

LIEFF CABRASER HEIMANN & BERNSTEIN, LLP
Michael W. Sobol (SBN 194857)
Melissa Gardner (SBN 289096)
Ian Bensberg (*pro hac vice pending*)
275 Battery Street, 29th Floor
San Francisco, CA 94111-3339
(415) 956-1000

LIEFF CABRASER HEIMANN & BERNSTEIN, LLP
Nicholas Diamand (*pro hac vice pending*)
ndiamand@lchb.com
Douglas Cuthbertson (*admitted pro hac vice*)
dcuthbertson@lchb.com
250 Hudson Street, 8th Floor
New York, NY 10013
Telephone: 212.355.9500
Facsimile: 212.355.9592

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JONATHAN DIAZ and LEWIS
BORNMANN, on behalf of themselves
and all others similarly situated,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

Case No. 5:21-cv-03080-NC

**DECLARATION OF DAVID R. CHOFFNES
IN SUPPORT OF PLAINTIFFS' MOTION
FOR PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

1 David R. Choffnes declares and states as follows:

2 1. I make this declaration in support of Plaintiffs' motion to preliminarily approve the
3 settlement. I have personal knowledge of the facts set forth in this declaration based on my
4 participation in this lawsuit as a consulting expert for Plaintiffs as described below. If called
5 upon to testify, I could and would testify competently to the truth of the matters stated herein.

6 2. I have an M.S. and Ph.D. in computer science and am an associate professor at
7 Northeastern University's Khoury College of Computer Sciences and the Executive Director and
8 founding member of Northeastern University's Cybersecurity and Privacy Institute. I have
9 knowledge and direct experience working on and considering many of the technological issues
10 relevant to Plaintiffs' allegations, including the functioning of system logs on mobile devices that
11 use Google's Android operating software, and how network traffic moves between Android
12 devices and servers they communicate with.

13 3. In 2021, I participated in an exchange of information with a Google representative
14 concerning Plaintiffs' allegations, the past and current architecture of Google's COVID-19
15 exposure notification system (the "EN System"), and Google's practices relating to the treatment
16 of data generated by the EN System. During that exchange, I asked and had answered numerous
17 technical questions relevant to the subject matters described immediately above.

18 4. Following the exchange of information, Google provided additional highly
19 confidential written information and materials in response to follow-up questions asked by
20 Plaintiffs' counsel in consultation with me.

21 5. After reviewing and analyzing those written materials, and in reliance upon what I
22 learned during the exchange referenced above, as well as the representations and warranties made
23 by Google as part of this settlement, I believe that the remedial measures taken by Google and the
24 injunctive relief agreed to as part of the proposed settlement address Plaintiffs' alleged security
25 vulnerabilities in Google's EN System as to Google.

26 I declare under penalty of perjury of the laws of the United States that the foregoing is true
27 and correct.

28 Executed on this 3rd day of May, 2022, at Needham, Massachusetts.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

By: /s/ David R. Choffnes
David R. Choffnes